

1 ANDRÉ BIROTTE JR.  
 United States Attorney  
 2 ROBERT E. DUGDALE  
 Assistant United States Attorney  
 3 Chief, Criminal Division  
 STEVEN R. WELK  
 4 Assistant United States Attorney  
 Chief, Asset Forfeiture Section  
 5 MONICA E. TAIT  
 Assistant United States Attorney  
 6 Asset Forfeiture Section  
 California Bar No. 157311  
 7 1400 United States Courthouse  
 312 North Spring Street  
 8 Los Angeles, California 90012  
 Telephone: (213)894-2931  
 9 Facsimile: (213)894-7177  
 E-Mail: Monica.Tait@usdoj.gov

10 Attorneys for Plaintiff  
 11 United States of America

12 UNITED STATES DISTRICT COURT  
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 14 WESTERN DIVISION

15	UNITED STATES OF AMERICA,	)	NO. CV 07-8148 DSF (SHx)
		)	
16	Plaintiff,	)	
		)	AMENDED CONSENT JUDGMENT
17	v.	)	
18	ONE 2007 JAGUAR XKR COUPE, ONE	)	
	2006 CHEVROLET CORVETTE Z06,	)	
19	ONE 2006 MASERATI GRANSPORT,	)	
	ONE 2004 DODGE DURANGO LIMITED,	)	
20	ONE 2005 ASTON MARTIN DB9; AND	)	
	\$58,983.10 IN BANK ACCOUNT	)	
21	FUNDS,	)	
		)	
22	Defendants.	)	
		)	
23	JAMES D. MELTON,	)	
		)	
24	Claimant.	)	
		)	

25  
 26 The court having reviewed the stipulation between the United  
 27 States of America and James Melton for entry of this Consent  
 28 Judgment filed as document no. 39 in this matter, and the

1 accompanying Stipulation and Request for Entry of Amended Consent  
2 Judgment,

3 IT IS HEREBY ORDERED AS FOLLOWS:

4 1. James D. Melton ("Melton") has filed a claim to contest  
5 the forfeiture of the remaining defendant assets in this case,  
6 which are more particularly described as follows:

7 a. One 2006 Chevrolet Corvette Z06, bearing VIN  
8 1G1YY26E265126228 and registered to James D. Melton;

9 b. One 2004 Dodge Durango Limited, bearing VIN  
10 1D4HB58D44F210253 and registered to James D. Melton;

11 c. \$40,000 seized from an account at Bank of America  
12 in the name of James D. Melton, bearing an account number ending  
13 in -2396;

14 d. \$9,265.71 seized from an account at Bank of  
15 America in the name of Rhonda Melton at Bank of America, bearing  
16 an account number ending in -8555;

17 e. \$9,557.39 seized from an account at Regions AM  
18 South Bank in the names of Null Perspiration/James D. Melton,  
19 bearing an account number ending in -8082; and

20 f. \$160.00 seized from an account at Colonial Bank of  
21 Birmingham, Alabama, in the names of TV Delivered LLC, bearing an  
22 account number ending in -6284.

23 2. The government's complaint in this action was filed on  
24 December 14, 2007, alleging that the defendant assets were  
25 subject to forfeiture to the United States pursuant to 21 U.S.C.  
26 § 881(a)(6) and 18 U.S.C. §§ 981(a)(1)(C), 984. Plaintiff has  
27 notified other potential claimants of this action, including  
28 Rhonda Melton, pursuant to Supplemental Rule G for Admiralty or

1 Maritime Claims and Asset Forfeiture Actions, Federal Rules of  
2 Civil Procedure. Notice of forfeiture of the defendants was  
3 published on March 14, 21, and 28, 2008 and again on May 1, 8,  
4 and 15, 2008 in accordance with Supplemental Rule G(4)(a). No  
5 claims or answers have been filed to contest the forfeiture of  
6 the defendant funds by anyone other than Melton, and the time for  
7 filing claims and answers has expired. All potential claimants  
8 to the defendants other than Melton are deemed to have admitted  
9 the allegations of the complaint.

10 3. It is the intent of the United States and Melton to  
11 resolve all of their competing claims to the defendants by their  
12 Stipulation filed as docket no. 39 and this Amended Consent  
13 Judgment, which replaces the judgment previously entered by this  
14 Court on August 30, 2010 and filed as docket no. 40. By entering  
15 into such Stipulation, and its provisions, Melton has neither  
16 admitted nor denied any of the allegations of the complaint.

17 4. This Court has jurisdiction over the subject matter of  
18 the present action and over the parties to the Stipulation filed  
19 as docket no. 39.

20 5. The Complaint states a claim for relief against the  
21 defendants.

22 6. The parties have agreed to the following disposition  
23 of the defendants:

24 a. The United States shall have judgment in the present  
25 forfeiture action against the interests of James Melton and all  
26 other potential claimants in the following assets (the "Forfeited  
27 Defendants"):

28 i. One 2006 Chevrolet Corvette Z06, bearing VIN

1 1G1YY26E265126228 and registered to James D. Melton;

2 ii. \$40,000 seized from an account at Bank of America  
3 in the name of James D. Melton, bearing an account number  
4 ending in -2396, and all interest earned thereon since the  
5 time of seizure;

6 iii. \$9,557.39 seized from an account at Regions AM  
7 South Bank in the names of Null Perspiration/James D.  
8 Melton, bearing an account number ending in -8082, and all  
9 interest earned thereon since the time of seizure; and

10 iv. \$160.00 seized from an account at Colonial Bank of  
11 Birmingham, Alabama, in the names of TV Delivered LLC,  
12 bearing an account number ending in -6284, and all interest  
13 earned thereon since the time of seizure.

14 The Forfeited Defendants shall be condemned and forfeited to the  
15 United States of America upon entry of this Amended Consent  
16 Judgment. The United States Marshals Service shall dispose of  
17 the Forfeited Defendants in accordance with law.

18 b. The United States shall return the following  
19 defendants:

20 i. One 2004 Dodge Durango Limited, bearing VIN  
21 1D4HB58D44F210253 and registered to James D. Melton;

22 ii. \$9,265.71 seized from an account at Bank of  
23 America in the name of Rhonda Melton at Bank of America,  
24 bearing an account number ending in -8555, and all interest  
25 earned thereon since the time of seizure.

26 The United States Marshals Service ("USMS") shall return the 2004  
27 Dodge Durango Limited to Melton not later than 30 days after the  
28 entry of this Amended Consent Judgment by delivering custody of

1 the vehicle to Melton, or to such party as such Melton may  
2 designate in writing. The USMS shall return the \$9,265.71 to the  
3 party from whom it was seized (Rhonda Melton) not later than 30  
4 days after (a) the court enters this Amended Consent Judgment and  
5 (b) James Melton provides to government counsel Rhonda Melton's  
6 bank routing information and social security number, whichever is  
7 later.

8 7. Except as to such rights and obligations created by the  
9 parties' Stipulation filed as docket no. 39, Melton has released  
10 and agreed to hold harmless the United States, and any agents,  
11 servants, and employees of the United States (or any state or  
12 local law enforcement agency), including without limitation the  
13 Drug Enforcement Administration, acting in their individual or  
14 official capacities, from all claims, actions or proceedings,  
15 including, but not limited to, any claim for attorney's fees  
16 and/or costs, or interest, which may hereafter be asserted or  
17 brought by him or on his behalf which arise out of the present  
18 action.

19 8. Each party shall bear its own costs of litigation and  
20 attorney's fees. Each party has waived its right to appeal.  
21 This Amended Consent Judgment constitutes a certificate of  
22 reasonable cause pursuant to 28 U.S.C. § 2465(a)(2).

23 9. At the time this case was filed, the complaint named as  
24 defendants in the case three additional vehicles encumbered by  
25 large liens held by third parties: One 2007 Jaguar XKR Coupe,  
26 bearing VIN SAJWA43C779B17296; One 2006 Maserati Gransport,  
27 bearing VIN ZAMEC38A360026690; and One 2005 Aston Martin DB9,  
28 bearing VIN SCFAD01A25GA00844 (collectively, the "Lien

1 Vehicles"). Melton and the United States previously stipulated  
2 and agreed (the "Lien Stipulations") that the lienholders would  
3 sell the Lien Vehicles. No net proceeds remained from the sale  
4 of the Lien Vehicles after the payment of the amount owed to the  
5 lienholders. To the extent not already accomplished by the Lien  
6 Stipulations and the Orders entered thereon, the Lien Vehicles  
7 are hereby dismissed from this action.

8 10. The Court retains jurisdiction over this case and the  
9 parties hereto to effectuate the terms of this settlement.

10 **IT IS SO ORDERED.**

11 9/21/10



12 DATED: \_\_\_\_\_

\_\_\_\_\_  
13 THE HONORABLE DALE S. FISCHER  
UNITED STATES DISTRICT JUDGE

14 PRESENTED BY:

15 ANDRÉ BIROTTE JR.  
16 United States Attorney

17 by: \_\_\_\_\_/s/\_\_\_\_\_

18 MONICA E. TAIT  
Assistant United States Attorney

19 Attorneys for plaintiff  
20 UNITED STATES OF AMERICA